

Claim 7

Independent claim 7 recites, *inter alia*, an apparatus for providing a selective advertisement display service using metadata comprising a matching engine operatively coupled to the digital television display displaying a television program including second metadata, the second metadata describing subject matter of the displayed television program. Neither Picco nor Calvert, alone or in combination, discloses an apparatus for providing a selective advertisement display service using metadata comprising a matching engine operatively coupled to the digital television display displaying a television program including second metadata, the second metadata describing subject matter of the displayed television program. As a result, any combination of Picco and Calvert fails to disclose the subject matter recited by claim 7.

Similar to the discussion in association with claim 1 above, Picco does not disclose the second metadata describing subject matter of the displayed television program. The Examiner acknowledges, on page 8 of the Official action, that Picco fails to state an XML parser and refers to Calvert to correct this deficiency. However, Calvert also fails to disclose second metadata describing subject matter of the displayed television program. Instead, Calvert describes methods and apparatus for indexing, acquiring, and playing media services from different content aggregators without switching to additional devices. Calvert identifies the restrictions associated with each content aggregator requiring a proprietary device in order to activate (play) media. Calvert further discloses a single device combines such media services, each including a content list, into a unified list of media services. *See ¶0008, lines 1-9.* The single device for playback may receive the content list and format it using an XML based document type definition. *See ¶0035, lines 1-8.* An XML parser may receive XML data to aid a user when manipulating menu elements and display a hierarchical menu on a display device. *See ¶0038, lines 1-3.* Despite Calvert discussing an XML parser, Calvert fails to disclose or suggest second metadata describing subject matter, much less describing subject matter of the displayed television program.

As neither Picco nor Calvert disclose second metadata, the second metadata describing subject matter of the displayed television program, it follows that neither Picco nor


Calvert, alone or in combination, can render claim 7 as obvious. Dependent claims 8, 10 and 11 depend from independent claim 7 and are allowable for at least the reasons discussed above in association with claim 7. Therefore, applicants respectfully request allowance of claims 7, 8, 10, and 11.

Conclusion

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,
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